

# In the Supreme Court of the United States

OCTOBER TERM, 1924

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SECOND RUSSIAN INSURANCE COMPANY,  
appellant

v.

THOMAS W. MILLER, AS ALIEN PROPERTY  
Custodian, Guy F. Allen, as Treasurer  
of the United States, New York Life  
Insurance & Trust Company, and  
Ernest Behre, Herman Franz Matthias  
Mutzenbecher, Franz Ferdinand Mut-  
zenbecher, and Carl Christian Stahl, In-  
dividually and as Copartners Doing  
Business Under the Firm Name and  
Style of "H. Mutzenbecher, Jr.," ap-  
pellees

No. 362

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BRIEF FOR THOMAS W. MILLER, AS ALIEN PROPERTY  
CUSTODIAN, AND GUY F. ALLEN, AS TREASURER OF THE  
UNITED STATES

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## STATEMENT

This is an appeal from a decree of the Circuit Court of Appeals (Second Circuit, 297 Fed. 404) affirming a decree of the District Court of the Southern District of New York dismissing the bill.

## THE FACTS

The facts as stated in the brief heretofore filed herein on behalf of the individual appellees, Ernest Behre, Herman Franz Matthias Mutzenbecher, Franz Ferdinand Mutzenbecher, and Carl Christian Stahl, are adopted as a correct statement of the facts as shown on the record. A restatement in this brief would be useless repetition.

## ARGUMENT

From the beginning this case and the two cases tried jointly with it in the District Court of the Southern District of New York have been defended upon the same theory both by the Alien Property Custodian and the individual defendants.

The printed argument of these individual defendants addresses itself to the position maintained as well by the Alien Property Custodian. That argument is adopted in behalf of the Alien Property Custodian and the Treasurer of the United States and need not be repeated.

We respectfully submit that the decree of the lower courts should be affirmed.

JAMES M. BECK,  
*Solicitor General.*

HARTWELL CABELL,  
*Special Assistant to the Attorney General.*  
APRIL, 1925.

